

Senate Bill No. 658

CHAPTER 271

An act to add Sections 42270, 42271, and 47614.7 to, and to repeal Article 3 (commencing with Section 42260) of Chapter 7 of Part 24 of Division 3 of Title 2 of, the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 24, 2008. Filed with
Secretary of State September 24, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 658, Romero. School facilities.

Existing law establishes the Year-Round School Grant Program to provide financial assistance to school districts operating year-round educational programs. The State Department of Education, in consultation with school districts, the Department of Finance, the Legislative Analyst's Office, and other affected parties, is required to conduct a study of the grant program to develop an equitable method of phasing out the program over a multiyear period.

Existing law establishes the Charter School Facility Grant Program to provide assistance with facility rent and lease costs for pupils in charter schools and states the intent of the Legislature that not less than \$18,000,000 annually be appropriated for purposes of the program.

This bill would phase out the Year-Round School Grant Program over a 4-year period by reducing grant amounts by 20% each fiscal year commencing with the 2008–09 fiscal year, would prohibit the Superintendent of Public Instruction from approving new year-round school grants, and would require that the Budget Act for the 2008–09 fiscal year and the Budget Acts for each fiscal year thereafter appropriate to the State Department of Education an amount equal to the amount appropriated for the program for the 2007–08 fiscal year, plus the amount equal to the reduction in funding for the Year-Round School Grant Program. If the Budget Act of 2008 is enacted before this bill and does not reflect the reallocation, or if the Budget Act for any of the 2009–10 to 2012–13 fiscal years, inclusive, does not reflect the reallocation, the Director of Finance would be required to transfer a specified amount appropriated in the Budget Act for the Year-Round School Grant Program to the Charter School Facility Grant Program to accomplish the reallocation of funding.

The bill would make the Year-Round School Grant Program inoperative on July 1, 2013, and would repeal it on January 1, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 42270 is added to the Education Code, to read:

42270. A school district that received a grant pursuant to this article for the 2007–08 fiscal year shall:

(a) Be exempt from the increase in school building capacity required pursuant to Section 17071.35.

(b) Have its year-round school grant phased out over a four-year period. The school district shall receive amounts according to the following schedule:

(1) For the 2008–09 fiscal year, 80 percent of the amount received in the 2007–08 fiscal year.

(2) For the 2009–10 fiscal year, 60 percent of the amount received in the 2007–08 fiscal year.

(3) For the 2010–11 fiscal year, 40 percent of the amount received in the 2007–08 fiscal year.

(4) For the 2011–12 fiscal year, 20 percent of the amount received in the 2007–08 fiscal year.

(5) For the 2012–13 fiscal year and each fiscal year thereafter, zero percent of the amount received in the 2007–08 fiscal year.

(c) Notwithstanding any other law, commencing with the 2008–09 fiscal year, the Superintendent shall not approve new year-round school grants.

SEC. 2. Section 42271 is added to the Education Code, to read:

42271. This article shall become inoperative on July 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 47614.7 is added to the Education Code, to read:

47614.7. (a) The Budget Act for the 2008–09 fiscal year and the Budget Acts for each fiscal year thereafter shall appropriate to the department for the purpose of the Charter School Facility Grant Program, as set forth in Section 47614.5, an amount equal to the amount appropriated for the program in the 2007–08 fiscal year, plus the amount equal to the reduction in funding for the Year-Round School Grant Program (Article 3 (commencing with Section 42260) of Chapter 7 of Part 24 of Division 3) associated with the reduction in the grants for year-round schools that is set forth in Section 42270.

(b) If this act is enacted after the Budget Act of 2008 is enacted and if the Budget Act of 2008 does not reflect the reallocation of funds as specified in subdivision (a), the Director of Finance, upon notice to the Joint Legislative Budget Committee, shall transfer 20 percent of the amount appropriated in Item 6110-224-0001 to Item 6110-220-0001 of Section 2.00 of the Budget Act of 2008 to accomplish the reallocation of funding specified in subdivision (a).

(c) If the Budget Act for any of the 2009–10 to 2012–13 fiscal years, inclusive, does not reflect the reallocation of funds specified in subdivision (a), the Director of Finance, upon notice to the Joint Legislative Budget

Committee, shall transfer an amount appropriated in Item 6110-224-0001 of Section 2.00 of the Budget Act for any of those fiscal years, as applicable, to Item 6110-200-0001 of Section 2.00 of the Budget Act for that fiscal year in order to accomplish the reallocation of funds specified in subdivision (a). The total amount of the reallocation in each fiscal year pursuant to this subdivision shall be no less than the applicable amount specified in the following schedule:

(1) For the 2009–10 fiscal year, 40 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(2) For the 2010–11 fiscal year, 60 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(3) For the 2011–12 fiscal year, 80 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(4) For the 2012–13 fiscal year, 100 percent of the amount expended from Item 6110-224-0001 of Section 2.00 of the Budget Act of 2007.

(d) It is the intent of the Legislature that the funding level for the Charter Schools Facility Grant Program for the 2012–13 fiscal year be considered the base level of funding for subsequent fiscal years.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the shift of funds to take effect for the entire 2008–09 fiscal year, it is necessary that this act take effect immediately.